

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/005,133
Confirmation No.: 8058
Filing Date: December 5, 2001
Examiner: Tamthom Ngo Truong
Group Art Unit: 1624
Applicants: Mark Ledebner et al.
For: INHIBITORS OF c-JUN N-TERMINAL KINASES (JNK)
AND OTHER PROTEIN KINASES

October 2, 2007
Cambridge, Massachusetts

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Dear Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX"), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

An assignment of the entire right, title and interest in and to the subject matter of United States Patent Application No. 10/005,133 ("hereafter the '133 application"), for "INHIBITORS OF c-JUN N-TERMINAL KINASES (JNK) AND OTHER PROTEIN KINASES", filed on December 5, 2001, was recorded in the United States Patent and Trademark Office was recorded in the United States Patent and Trademark Office on April 24, 2007 at Reel/Frame 019206/0957.

An assignment of the entire right, title and interest in and to the subject matter of United States Patent Application No. 10/146,984, filed May 16, 2002, now United States Patent 6,884,804 (hereafter "the '804 patent") was recorded in the United States Patent and Trademark Office on August 2, 2006 at Reel/Frame 018034/0118.

The undersigned, on behalf of VERTEX, hereby disclaims the terminal portion of any patent granted on the '133 application that would extend beyond the expiration date of the '804 patent.

The undersigned, on behalf of VERTEX, agrees that any patent so granted on the '133 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '804 patent, this agreement to run with any patent granted on the '133 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '133 application prior to the full statutory term of the '804 patent, in the event that the '804 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

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2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '804 patent and to the '133 application is in assignee.

Respectfully submitted,

/Karen E. Brown/
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